

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: ZIMMER NEXGEN KNEE	§	MDL NO. 2272
IMPLANT PRODUCTS LIABILITY	§	
LITIGATION	§	Master Docket Case No.: 1:11-cv-05468
	§	
	§	ALL CASES
	§	
This Document Relates to All Cases	§	JUDGE REBECCA PALLMEYER
	§	

**APPLICATION OF DANIEL C. BURKE
FOR PLAINTIFFS' STEERING COMMITTEE**

I, Daniel C. Burke respectfully file this application for appointment as a member of the Plaintiffs' Steering Committee for the Zimmer NexGen Knee Implant Products Liability Litigation. This application is being made following the United States Judicial Panel on Multidistrict Litigation Transfer Order dated August 8, 2011, and pursuant to the August 23, 2011 Order of this Honorable Court that attorneys who seek consideration for appointment as lead counsel are directed to file their motions and supporting materials on or before September 6, 2011¹. I am willing and available to serve as a member of the Plaintiffs' Steering Committee, and have the ability to work cooperatively with all parties. In addition, I have the requisite professional experience and skill to assist in the orderly advancement of this litigation.

It is respectfully requested that the Court appoint the leadership structure proposed in the August 18, 2011 Application of Plaintiffs' Counsel for Lead Counsel and Plaintiffs' Steering

¹ A letter application seeking the appointment of the undersigned to the Plaintiffs' Steering Committee was delivered to the Court on August 23, 2011, however remains undocketed. The within application, virtually identical in substance to the prior submission, is being filed in compliance with the letter of the Court's August 23, 2011 directives.

Committee with the addition of the undersigned as a member of the Plaintiffs' Steering Committee.

I respectfully submit, and ask the Court to consider the following as my *curriculum vitae* in support of my application for appointment to a leadership position in MDL 2272.

CURRICULUM VITAE

I began my career litigating single event negligence and products liability cases for six years and thereafter represented plaintiffs in asbestos-related lawsuits for three years. I have dedicated the past nearly nine years to the prosecution of mass tort drug, medical device and consumer product litigation on behalf of injured plaintiffs -- for six years at Weitz & Luxenberg, P.C., and for over two and one-half years at Parker Waichman Alonso LLP.

I currently serve on the Discovery and Law & Briefing Sub-Committees for *In re: Denture Cream Products Liability Litigation* (MDL No. 2051), the Science and Discovery Sub-Committees for *Yasmin & Yaz (Drospirenone) Marketing, Sales Practices & Products Liability Litigation* (MDL No. 2100), and the Discovery Sub-Committee for *In re: Levaquin Litigation*, Case No. 286, Superior Court of New Jersey, Law Division: Atlantic County.

Additionally, I have been involved in numerous other mass torts, including litigation concerning hip and knee prostheses manufactured by DePuy Orthopaedics, Zimmer and Stryker, and prescription drugs such as Baycol, Vioxx, Bextra/Celebrex, Chantix, Accutane, NuvaRing, Reglan, Zocor and Plavix as well as over-the-counter consumer products such as the multi-purpose contact lens solution ReNu with MoistureLoc and Bayer Combination Aspirin Products.

I have wide-ranging experience in all aspects of litigation from inception to trial, and most recently took depositions of key company witnesses and expert witnesses in *In re: Denture Cream Products Liability Litigation* (MDL No. 2051), which has already resulted in settlement

with a primary defendant. Moreover, I have taken numerous company and expert witness depositions in litigations such as *Yasmin & Yaz (Drospirenone) Marketing, Sales Practices & Products Liability Litigation* (MDL No. 2100), *In re: Bayer Corp. Combination Aspirin Products Marketing and Sales Practices Litigation* (MDL No. 2023) and *In re: New York ReNu with MoistureLoc Product Liability Litigation* (Sup. Ct. N.Y., Index No.: 766,000/07).

In prosecuting mass tort actions over the past nine (9) years, I have developed personal and professional relationships with many of the other attorneys and law firms involved in this matter, working alongside them for the common benefit of all plaintiffs in a wide range of litigations. I have proven myself to work efficiently and cooperatively with other plaintiffs' counsel as well as with defense counsel.

Perhaps most importantly, I am the lead counsel on all orthopedic implant cases being handled by our firm, and my department represents hundreds of plaintiffs who have been injured by defective hip and knee implants, including a significant number of clients who have suffered serious injury as a result of being implanted with the Zimmer NexGen High-Flex Knee System including the MIS Tibial component. We continue to investigate NexGen claims and confirm injuries on virtually a daily basis. Our case *Campbell v. Zimmer, Inc.* 1:11-cv-02610 (E.D.N.Y) was recently transferred to your Honor for handling.

Both I and my firm have been and will continue to be fully committed to devoting the necessary time, attention and resources to insure that this multi-district litigation is successful for our clients and all of the other litigants.

Parker Waichman Alonso LLP has been recognized as a leader in the field of defective drug liability, defective medical devices, products liability, toxic torts, products liability, vaccine injury, medical malpractice, nursing home negligence, aviation accidents, explosions/fires,

consumer fraud, automobile accidents, and general personal injury negligence litigation. We are committed to our clients, the Court, and the legal profession to insure a just result is obtained for our clients in an expeditious manner.

In light of my significant prior mass tort litigation experience, I respectfully request that the Court grant me the opportunity to serve in a leadership position in *In re: Zimmer NexGen Knee Implant Products Liability Litigation* (MDL No. 2272). I am confident that my years-long history of involvement and experience in orthopedic implant litigation and my ability, determination and qualifications will serve a leadership committee, the litigants, and this Court well.

Dated: September 6, 2011

Respectfully submitted,

PARKER WAICHMAN ALONSO LLP

/s/Daniel C. Burke

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CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2011, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Illinois, using the electronic case filing system of the Court.

Dated: September 6, 2011

Respectfully submitted,

PARKER WAICHMAN ALONSO LLP

/s/Daniel C. Burke

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